



**CITY OF SUNNYVALE
REPORT
Planning Commission**

October 13, 2003

SUBJECT: **2003-0271 - Ron Dick** [Applicant] **Richard Smith** [Owner] -
Application for related proposals on a 14,500 square foot site
located at **160 North Sunnyvale Avenue** in an R-2 (Low-Medium
Density Residential) Zoning District. (APN: 204-08-004) SL

Introduction of an Ordinance Rezone from R-2 (Low-Medium Density) Zoning District to R-2/PD
(Low-Medium Density Residential/Planned Development) Zoning
District;

Motion Special Development Permit to allow the construction of four town
homes; and

Motion Tentative Map to subdivide one lot into four lots and one common lot.

REPORT IN BRIEF

Existing Site Two-story residential single-family home.

Conditions

Surrounding Land Uses

North Commercial Building – Mortuary

South High Density Residential Apartments

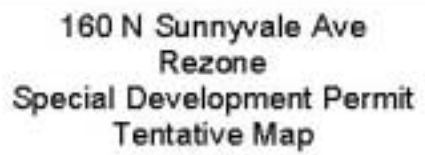
East Industrial Building – Northrop Grumman

West Single-Family Residential

Issues Compatibility of the proposed townhomes with the existing
neighborhood.

**Environmental
Status** A Negative Declaration has been prepared in compliance with
California Environmental Quality Act provisions and City
Guidelines.

**Staff
Recommendation** Approval with conditions



PROJECT DATA TABLE

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
General Plan	Residential Low Medium Density	Residential Low Medium Density	
Zoning District	R2 Low-Medium Density Residential	R2/PD Low-Medium Density Residential, Planned Development	Rezone
Lot Size (s.f.)***	14,540	Lot 1: 1,731 Lot 2: 1,692 Lot 3: 1,692 Lot 4: 2,739 Common Lot: 6,686 Average = 1,963	3,600 min. per dwelling unit
Lot With (f.t.)***	51'	Lot 1: 30' Lot 2: 30' Lot 3: 30' Lot 4: 51' Common Lot: 51'	76'
Gross Floor Area (s.f.)	800 sf	Project Total: 8,714 (w/o balcony level) Lot 1: 2,170 Lot 2: 2,090 Lot 3: 2,090 Lot 4: 2,364	7,941 sf
Lot Coverage (%)	6.5%	Project Total: 36.6% Lot 1: 71% Lot 2: 72% Lot 3: 72% Lot 4: 50%	40% max.
Floor Area Ratio (FAR)	10%	Overall Project Total: 60% Lot 1: 125% Lot 2: 124% Lot 3: 124% Lot 4: 86%	55%
No. of Units	1	4	4 max.
Density (units/acre)	3 du/ac	12 du/ac	12 du/ac max.
Meets 75% min?	No	Yes	4 min.
Bedrooms/Unit	3-bedroom	Lot 1: 3-bedroom Lot 2: 3-bedroom	N/A

	<u>EXISTING</u>	<u>PROPOSED</u>	<u>REQUIRED/ PERMITTED</u>
		Lot 3: 3-bedroom Lot 4: 3-bedroom	
Unit Sizes (s.f.)	800 sf	Lot 1: 2,170 Lot 2: 2,090 Lot 3: 2,090 Lot 4: 2,364	N/A
No. of Buildings On-Site	1	2	---
Building Height (ft.)	24' 0 "	24'4"	30' max.
No. of Stories	2	2	2 max.
Setbacks (facing prop.)			
• Front (First floor) (Second floor)	75' 75'	Project: 25' Project: 30'	15' min. 20' avg. 15' min. 20' avg.
• Left Side (First floor) (Second floor)	20' 20'	Project: 4' Project: 10'	4' min. 12' tot. 7' min. 15' tot.
• Right Side (First floor) (Second floor)	10' 10'	Project: 8' Project: 11'	4' min. 12' tot. 7' min. 15' tot.
• Rear (First floor) (Second floor)	20' 20'	Project: 15' Project: 20'	20' min. encroachment into yard of 25% of total yard.
Landscaping (sq. ft.)			
• Total Landscaping	10,000 sf	5,127 (35%)	2,887 (20%) min.
• Landscaping / Unit	10,000 sf	Lot 1: 1,310 sf/unit Lot 2: 1,310 sf/unit Lot 3: 1,310 sf/unit Lot 4: 1198 sf/unit	850 sf /unit.
• Usable Open Space/Unit	10,000 s.f.	Lot 1: 548 sf/unit Lot 2: 569 sf/unit Lot 3: 569 sf/unit Lot 4: 1198 sf/unit	500 sf /unit
Parking			
• Total No. of Spaces	4	10	10 min.
• No. of Covered Spaces	0	8	8 min.
• Driveway Aisle Width (ft.)	10'	20'	18' min.

*** Indicates deviations from Zoning Code.

ANALYSIS

Background

Previous Actions on the Site: The following table summarizes previous planning applications related to the subject site:

File Number	Brief Description	Hearing/Decision	Date
1977-0002	Construct 4 car garage	Administrative/ Approved	12/13/77

There currently exists one single-family home on the site, which is proposed to be demolished as part of this application. The home was constructed in approximately 1915 by John Hendy but never used as his primary residence. During the course of the review of this application, it was identified that this existing home was part of the North Sunnyvale Avenue Streetscape (100 Block) and, therefore, listed on the City's Cultural Resource Inventory. The home itself is not specifically listed on the inventory nor is the 100 Block listed on the City's Heritage Landmark Inventory.

Generally when projects such as this are reviewed by local agencies, a historical and architectural evaluation is requested which determines the historical significance of the structure at the National, State, and local levels. In this case, an historical and architectural evaluation was completed by Dill Design Group and submitted to the City by the applicant. The report determined that the home is not eligible for listing on the National or State registries of historic resources. In Staff's opinion, the report did not arrive at a definitive conclusion regarding the local historical significance of the home or whether the home was eligible to be listed on the City's Cultural Resource Inventory. The report instead placed this decision back with the City to determine if the structure has any local significance.

As a result, staff requested that the Heritage Preservation Committee make an advisory recommendation on the local significance of the home. At their August 6, 2003 meeting, the Committee concluded that the home did not have any local historic significance to the City and declined to specifically list the home on the City's Cultural Resource Inventory.

Description of Proposed Project

The applicant is requesting approval of a Tentative Map to subdivide an 14,540 square foot lot into 5 lots (i.e. 4 lots and one common lot) and a Special Development Permit (SDP) to allow for construction of two pair of townhomes. A private street will extend the length of the site providing access to private garages for each unit. Unassigned parking provided for guests will be located in one section on the site as noted on the site plan. The east and west sides of the lot will be landscaped and provide backyard and front yard areas for the units.

Environmental Review

A Negative Declaration has been prepared for this project in compliance with the California Environmental Quality Act provisions and City Guidelines. An initial study has determined

that the proposed project would not create any significant environmental impacts (see Attachment 3, Initial Study).

Rezoning

Change Under Consideration: The subject property is located within the R-2 (Low-Medium Density Residential) Zoning District. The applicant is requesting the addition of a PD (Planned Development) Combining District requiring a Rezone to R-2/PD.

Objective: This rezoning request is being made to allow the applicant to concurrently apply for a Special Development Permit (SDP) to construct the proposed four townhouse units. The purpose of the Planned Development Combining District is to provide modifications, additions and limitations to other zoning districts to meet special conditions and situations. In 1998, the City Council approved guidelines for the use of PDs and Special Development Permits (SDPs). The subject request for a PD meets all of the three applicable established guidelines.

- *To facilitate development or redevelopment of a site to improve the neighborhood. (Meets)*
- *To allow for a proposed use that is compatible with the neighborhood but requires deviations from development standards for a successful project. (Meets)*
- *To allow for the development and creations of lots that are less than the minimum size required in the base zoning district. (Meets)*

The project involves the subdivision of one property into 5 parcels, requiring deviations from the requirements of 8,000 sq. ft. per lot and 76 linear feet in lot width. These deviations will be necessary to create separate owner-occupied lots while providing good site and building design.

Discussion: The PD Combining District enables the consideration of deviations from the Code and/or imposition of more restrictive requirements. The surrounding properties are predominately developed with either apartments, varying types of multi-unit development or single-family homes. The PD Combining District provides flexibility in formulating a project that is promotes transition and reinvestment of the neighborhood and in allowing townhouse-style ownership housing.

Special Development Permit

Use: The project site is Zoned R-2 (Low-Medium Density Residential) and is proposed for Rezoning to R-2/PD (Low-Medium Density Residential/Planned Development). An SDP is required since the applicant is proposing a Planned Development Combining District. This permit addresses the use, building architecture and site layout as well as the specific deviations requested in the project.

The proposed project consists of four dwelling units that are proposed as ownership units. The units will have attached 2-car garages and rooftop balconies on the top level. Both single-family and multi-family residential uses are allowable in the R-2 Zone with a Special Development Permit approval. The density of the proposed project is 12 units/acre, which satisfies the housing goal of achieving at least 75 percent of the maximum allowable density (12 d.u./ac). The 14,540 sq. ft. lot allows for up to four dwelling units on the property.

The FAR for all structures in the project is 60% and the FAR of the individual units are: lot #1-125%, lot #2-124%, lot #3-124%, and lot #4-86%. In the R-2 Zone, 55% is the maximum FAR allowed without a public hearing. The City's Small-lot Single Family Guidelines suggest an overall project FAR benchmark of 50%. Given the mixed housing-types on North Sunnyvale Avenue, (which includes single-family, condominiums and apartments) the proposed FAR of 60% may not be compatible. Staff is recommending Condition of Approval #9 which requires that the size of the proposed units be reduced sufficiently to ensure a 55% FAR for the overall project.

Site Layout: The proposed development meets the overall project lot coverage standards at 36.6%. The individual lots have approximately 70% lot coverages, but deviations from individual lot coverages are common for attached units. The project has a combined side yard setback for the first story of 12 feet where 12 feet is the minimum required. The second story combined setback is 21 feet where 15 feet is the minimum required. The project meets front and rear yard setback requirements.

The proposal includes deviations from the R-2 lot size and lot width standards. Staff supports the reduced lot size and lot width of each individual lot in order to facilitate the townhouse development, which would create home ownership opportunities.

The following Guidelines were considered in analysis of the project site design:

Design Policy or Guideline (Site Layout)	Comments
Site Design A1: New projects shall be compatible with the surrounding development in intensity, setbacks, building forms, material, color and landscaping.	The architectural design of the proposed project is compatible with residential character of the surrounding neighborhood and adjacent development. The mass and scale of the project is generally larger than surrounding developments, although not significantly incompatible.
Site Design B9: Residential projects may have a primarily internal orientation for privacy, providing that the site is visually linked with its surroundings by appropriate use of landscaping and building siting.	The proposed project offers private open space to each unit with internal circulation through a private drive. Additional landscaping to the site will provide an attractive overall streetscape to an older neighborhood with minimal landscaping.

Architecture: The project utilizes a Mediterranean-eclectic style of architecture with gable and hipped roof element throughout the proposal. The majority of the structures consist of stucco material for siding and Spanish tiles for the roof materials. Varying shades of beige and red will be utilized for the exterior colors. Brackets and window trim also add visual interest to the facade of the structures. The applicant has proposed use of articulation for the wall planes by setting the second story back several feet and utilizing pop outs throughout the buildings. This articulation helps to break up the massing of the long buildings as seen from the sides. The west elevation, facing N. Sunnyvale Ave., also presents a well designed frontage that appears as a two story home from the street. The

hipped and gable roof elements may aid in reducing the perceived building height and massing behind the facade. Please refer to the Streetscape plan submitted in Attachment #4.

Staff is concerned with the potential incompatibility of the mass and scale of the proposed design. The buildings are not significantly large as viewed from the front elevation, but do present significant mass as seen from the side elevations. The side elevations are highly visible from the street as well as from the adjacent residences. Although there is an existing apartment building immediately to the south which averages 26 feet tall, the majority of the neighborhood is either single-family homes or two story condominiums, averaging around 20 feet tall. The height requirement for properties located in the R-2 Zoning District is 30 feet. The height of the proposed building from the rooftop is 24'4" and 27'0" to the top of the privacy screen.

Given the mixed housing-types on North Sunnyvale Avenue, (which includes single-family, condominiums, and apartments) the proposed FAR of 60% may be too massive for this portion of N. Sunnyvale Ave. Staff is recommending Condition of Approval #9 which requires that the size of the overall proposed project be reduced sufficiently to match the R-2 Zoning District's maximum 55% FAR.

The applicant is proposing rooftop balconies on the third level of units 1, 2, and 3 only. These rooftop areas are intended as recreational spaces and will contain spas and built-in fireplaces. There are rooftop privacy screens that are intended to screen the rooftop terrace area from the apartments directly south of this site. The proposed screen will be six feet high. A Condition of Approval has been added that states that there will be no up lighting on the rooftop balcony areas.

The following Guidelines were considered in the analysis of the project architecture:

Design Policy or Guideline (Architecture)	Comments
Architecture C1: Maintain diversity and individuality in style but be compatible with the character of the neighborhood.	The proposed project will be constructed of a design, materials, and at a residential scale that is compatible with the rest of the neighborhood and adjacent development.
Architecture C2: In areas where no prevailing architectural style exists, maintain the general neighborhood character by the use of similar scale, forms, and materials providing that it enhances the neighborhood.	The proposed project retains the residential character of the area in terms of architectural styling as well as enhancing the neighborhood of older buildings that vary in age from 10 to 100 years old. The scale of the project is larger than similar buildings in the neighborhood.
Architecture C9: Include decorative building elements in the design of all buildings. Add more interest to buildings by incorporating changes in wall plane and height, etc.	The Mediterranean style architecture of the proposed buildings has a number of design elements that create a high-quality product, including decorative tile roofs, casement windows, exposed eaves with rafter details and gabled roof elements.

Landscaping: Residential uses within the R-2 Zoning District are required to provide a minimum of 500 sf. of usable open space and 850 sf. of total landscaping per unit. The project meets this requirement with private open space with between 548 and 1198 sf. per unit. The site also provides an adequate landscaping area with 5,128 total square feet of landscaping or 1,282 sq. ft. per unit.

A tree protection and a landscaping/irrigation plan with types, quantities and sizes of trees and shrubs is required before issuance of a building permit (See Condition of Approval #21). The applicant has submitted a preliminary Tree and Landscaping plan that indicates a preliminary proposal for trees and other vegetation. (Attachment #4) The project includes the installation of 16 trees of varying species throughout the site. One significant tree currently exists on the site, a Coast Live Oak that stands on the southern property line. Due to the proposed location of building #2, a tree protection plan for this Oak is required by a certified arborist prior to issuance of building permits (See Condition of Approval #21).

Sunnyvale Municipal Code 19.38.070 requires that a fifteen foot landscaped frontage be provided on site. This area may include sidewalks and be crossed by access drives and parking areas. The project meets this requirement in the front yard area.

The following Guidelines were considered in analysis of the project landscaping:

Design Policy or Guideline (Landscape)	Comments
Guiding Policy: Landscaping shall be used to enhance sites and buildings, control climate and noise, create transition between adjacent uses, unify various site components, and define and separate functions and activities.	With the proposed landscaping enhancements, the project will comply with this policy.
Landscaping A4: Properly landscape all areas not covered by structures, driveways, and parking.	The site meets the total landscaping requirement for each unit and will provide 16 new trees throughout the site.

Parking/Circulation:

Access to the property is limited to one driveway entrance on North Sunnyvale Avenue. The project complies with the Zoning Code's minimum required parking standards by providing 2 covered spaces per unit and two surface parking guest spaces (1/2 space per unit). Each unit will have direct access from the living area of the individual unit into its attached garage. Staff has included Condition of Approval #28 requiring that the two surface spaces shall be maintained as visitor spaces and shall be properly designated with signs or parking stall stenciling.

The shared auto court and driveway will provide pedestrian access from the street to the rear units. The concrete auto court and driveway has brick paving accents, which help slow down traffic because of the change in the driving surface. The driveway area complies with Zoning Code requirements for isle width and backup distance.

The following Guidelines were considered in analysis of the project parking and circulation:

Design Policy or Guideline (Parking/Circulation)	Comments
Guiding Policy: Project site shall be conveniently accessible to both pedestrians and automobiles. Sufficient off-street parking shall be provided for every project. On-site circulation patterns shall be designed to adequately accommodate traffic. Potential negative impacts of parking areas on adjacent uses shall be minimized and mitigated.	Adequate parking and on-site vehicle and pedestrian circulation have been provided for the proposed use and the project complies with the Zoning Code parking requirements.

Trash Enclosure: Sunnyvale Municipal Code 19.38.030 states that multi-family uses require a centralized trash and recycling enclosure for the site. Since the configuration of the lot is 50' wide by 284' deep, staff believes that a centralized trash enclosure is not appropriate for this site. An enclosure at the front of the site may create aesthetic concerns since it will be visible from the street, and an enclosure at the rear of the site may not be appropriate due the limited mobility of trash collecting vehicles. Staff believes that a more appropriate means of trash collection is for all solid waste and recycling containers to be stored in individual garages and then placed at the curbside on N. Sunnyvale Ave. for collection. A staging area near the curbside on N. Sunnyvale has been added to the proposed plans.

Easements/Undergrounding: There are no majority utilities located at the site. There is a temperate power pole on site that is required to be undergrounded as a condition of approval. (See Condition of Approval #12)

Tentative Map

General: The proposed project requires the subdivision of the existing 14,540 square foot property into five lots (i.e. 4 parcels and a common lot). The lots will range in size from 1,692 to 2,739 square feet in size. The proposed parcels do not meet the required minimum lot size (8,000 sq. ft.) or the established frontage requirement (76 ft.) for parcels in the R-2 Zoning District. However, the proposed parcel sizes and configuration may be permitted through the PD Zoning designation. The lot sizes and configuration are consistent with similar townhouse developments found throughout Sunnyvale and are necessary to support the typical townhouse development pattern. Therefore, staff supports the requested deviations in minimum lot size and street frontage.

Access: All four lots will obtain vehicular access from a single driveway located on the common lot (Lot 5). Utilities will also be placed underground in the common lot via a public utilities easement. Staff is recommending as a Condition of Approval that a maintenance agreement shall be recorded with the Tentative Map.

Lot Line Adjustment

The applicant is requesting a lot line adjustment between two properties under their common ownership. This subject lot is currently 13,960 square feet, which would allow for 3 units at 12 du/acre. This lot is about 560 square feet short of allowing for a fourth unit. Therefore, a two-foot lot line adjustment between the two properties is proposed in order to increase the lot size by 580 square feet, up to 14,540 total square feet. (Note: The set of plans provided by the applicant show a total lot square footage of 14,439, due to a two foot

street dedication along N. Sunnyvale Avenue. The number will be increased to 14,540 sf with the recording of the Final Map and Lot Line Adjustment application. This has been added as a Condition of Approval #41.)

Compliance with Development Standards

Requested Deviations	Justifications
<ul style="list-style-type: none"> • A minimum lot size of 1,692 where 8,000 is required • A minimum lot width of 51' where 76' is required 	<ul style="list-style-type: none"> • Recognizes that adjacent parcels are already development and preclude parcel assemblage. • Provides ownership opportunities creating 3 new units. • Project mimics and complements development pattern in the neighborhood. • Project exceeds landscaping and open space requirements. • Overall project meets lot coverage. • Site Layout allows for efficient circulation/parking.

Staff believes that this project provides a higher level of architectural quality, increased average open space and landscaping per unit, a compatible residential use with the surroundings uses and additional ownership opportunities that would not be available if the project were required to comply with the standards noted. Staff finds adequate justification to approve the requested deviations with the Conditions of Approval.

Expected Impact on the Surroundings

The proposed project will lead to an increase in the intensity of use of the site, but no significant traffic or noise impacts are expected as a result of the project. The main impact will be visual, as two 2-story structures will change the look of the site from the street and the surrounding properties. As discussed in the Site Layout and Architecture sections, the applicant has worked with staff to address the projects compatibility with the existing neighborhood and staff finds that the new proposal will not create a compatibility issue in the neighborhood. Staff also finds the architectural style suitable for the existing house and the surrounding neighborhood.

Findings, General Plan Goals and Conditions of Approval

Staff was able to make the required Findings based on the justifications for the Rezone, Special Development Permit and Tentative Map.

- Findings and General Plan Goals are located in Attachment 1.
- Conditions of Approval are located in Attachment 2.

Fiscal Impact

No fiscal impacts other than normal fees and taxes are expected.

Public Contact

Notice of Negative Declaration and Public Hearing	Staff Report	Agenda
<ul style="list-style-type: none">• Published in the <i>Sun</i> newspaper• Posted on the site• Mailed to the property owners and tenants within 300 ft. of the project site	<ul style="list-style-type: none">• Posted on the City of Sunnyvale's Website• Provided at the Reference Section of the City of Sunnyvale's Public Library	<ul style="list-style-type: none">• Posted on the City's official notice bulletin board• City of Sunnyvale's Website• Recorded for SunDial

Alternatives

1. Adopt the Negative Declaration and introduce an Ordinance to Rezone the site from R-2 to R-2/PD and approve the Special Development Permit and Tentative Map with the attached conditions.
2. Adopt the Negative Declaration and introduce an Ordinance to Rezone the site from R-2 to R-2/PD and approve the Special Development Permit and Tentative Map with modified conditions.
3. Adopt the Negative Declaration and do not introduce an Ordinance to Rezone from R R-2 to R-2/PD the site and deny the Special Development Permit and Tentative Map.
4. Do not adopt the Negative Declaration and direct staff as to where additional environmental analysis is required.

Recommendation

Recommend Alternative 1 to the City Council.

Prepared by:

Steve Lynch
Project Planner

Reviewed by:

Fred Bell
Principal Planner

Reviewed by:

Trudi Ryan
Planning Officer

Attachments:

1. Findings
2. Conditions of Approval
3. Negative Declaration/Initial Study
4. Development Plans
5. Draft Rezoning Ordinance

Findings - Rezone

In order to approve a Rezoning request the City Council is required by Zoning Code Section 19.92.050 to make a finding that "the amendment, as proposed, changed or modified is deemed to be in the public interest." The proposed Rezoning is consistent with this finding because it is consistent with the General Plan land use designation and assists the City in meeting its housing goals by adding four ownership units.

Findings - Special Development Permit

1. The proposed use attains the objectives and purposes of the General Plan of the City of Sunnyvale as discussed below:

Housing and Community Revitalization

A.1: Continue to improve, if feasible, the existing jobs to housing ratio.

The project's three additional housing units would incrementally improve the City's jobs/housing ratio.

A.4.a: The City shall require all new developments to build at least 75% of permitted density.

The project meets this requirement.

Land Use and Transportation Element

C2.2: Encourage the development of ownership housing to maintain a majority of housing in the City for ownership choice.

The proposed project will essentially create 4 homeownership units. The project meets the Housing and Community Revitalization Sub-Element Goal of providing at least 75% of the permitted number of residential units. The neighborhood is a mix of different types of single-family and multi-family housing which provide rental and ownership units. The building design and architecture will enhance a neighborhood of older homes while maintaining similar density and scale to the area.

Policy B.4: Ensure that new development and rehabilitation efforts promote quality design and harmonize with existing neighborhood surroundings.

The architecture and site layout of the proposed project is a significant improvement of the existing development on site. The project may encourage desirable redevelopment into an older neighborhood.

N.1.2.2: Utilize adopted City design guidelines to achieve compatible architecture and scale for renovation and new development in Sunnyvale neighborhoods.

The proposed project retains the residential character of the area in terms of architectural styling, but the scale of the project is larger than most of the other buildings in the surrounding neighborhood.

N.1.4.1: *Require infill development to complement the character of the residential neighborhood.*

The project's design complements the surrounding residential character.

2. The proposed use ensures that the general appearance of proposed structures, or the uses to be made of the property to which the application refers, will not impair either the orderly development of, or the existing uses being made of, adjacent properties as the proposed architecture meets the City-Wide Design Guidelines, will be a benefit to the neighborhood and is compatible with the existing architectural character of the neighborhood.

Findings - Tentative Map

The City Council, Planning Commission, or Director of Community Development shall deny the Tentative Map if it makes any of the following findings:

- A. That the subdivision is not consistent with the General Plan.
- B. That the design or improvement of the proposed subdivision is not consistent with the General Plan.
- C. That the site is not physically suitable for the proposed type of development.
- D. That the site is not physically suitable for the proposed density of development.
- E. That the design of the subdivision or proposed improvements are likely to cause substantial environmental damage or substantially and avoidably injure fish or wildlife or their habitat.
- F. That the design of the subdivision or type of improvements is likely to cause serious public health problems.
- G. That the design of the subdivision or the type of improvements will conflict with easements, acquired by the public at large, for access through or use of property within the proposed subdivision.
- H. That the map fails to meet or perform one or more requirements or conditions imposed by the "Subdivision Map Act" or by the Municipal Code.

The subdivision, together with the provisions for its design and improvements, is consistent with the objectives, policies, general land uses and programs of the General Plan. The project, in conjunction with an approved Special Development Permit, meets the overall density allowed in the Zone and supports a land use that is compatible with the surrounding neighborhood. The project also meets the goals and policies of the General Plan, as enumerated above.

Conditions of Approval - Special Development Permit

In addition, to complying with all applicable City, County, State and Federal Statutes, Codes, Ordinances, Resolutions and Regulations, Permittee expressly accepts and agrees to comply with the following conditions of approval of this Permit.

1. Execute a Special Development Permit document prior to issuance of the building permit.
2. Reproduce the conditions of approval on the plans submitted for building permits.
3. If not exercised, this Special Development Permit shall expire two years after the date of approval by the final review authority.
4. The Final Map must be approved prior to issuance of the building permit.
5. This Special Development Permit is valid only in accordance with the approved plans. Any major use, site or architectural modifications shall be treated as an amendment to the original approval, and shall be subject to approval at the public hearing before the Planning Commission. Minor modifications may be approved by the Director of Community Development. Specific Deviations allowed with this Special Development Permit are as follows:
 - A. A minimum lot size of 1,692 where 8,000 is required
 - B. A minimum lot width of 51' where 76' is required
6. Prior to the issuance of a grading permit, a "Blueprint for a Clean Bay" shall be submitted and approved by the City.
7. The development of the site is subject to Stormwater Pollution Prevention's Best Management Practices (BMPs) and shall be incorporated into its design to the extent feasible.
8. An Impervious Surface Data Calculation worksheet is required to be completed and submitted for the California Regional Water Quality Control Board prior to issuance of a Building Permit.
9. Prior to the issuance of a Building Permit, reduce the square footage of the proposed units to achieve a maximum project FAR of 55%.
10. There will be no up lighting on the rooftop balcony areas.

Utilities

11. Any transformer placed between the face of the building and the street shall be placed in an underground vault. At any other location, the transformer shall be screened as approved by the Director of Community Development.
12. All existing power lines at the site shall be undergrounded.
13. All existing boundary lines and proposed overhead service drops shall be undergrounded from the building to the nearest off-site pole prior to occupancy.

Homeowners Association

A copy of the recorded CC&Rs shall be submitted to the Planning Division prior to the issuance of the building permit. The CC&Rs shall include:

14. The Conditions of Approval of this Special Development Permit.
15. Provisions for short and long term maintenance of all three common lots, landscaping areas, recreational areas, parking, driveways, and utility connections.
16. All curbs along the projects private street and driveways be signed as "no parking" and marked as a red curb.
17. Provisions for a homeowners association.
18. Membership in and support of a homeowners association shall be mandatory for all property owners within the development. The homeowners association shall control all common faculties and shall obtain approval from the Director of Community Development prior to any modifications of the CC&Rs pertaining to or specifying the City or City requirements.

Building Design

19. Submit exterior materials and colors for review and approval by the Director of Community Development prior to issuance of a Building Permit.
20. Roofing materials and colors shall be approved by the Director of Community Development prior to issuance of the Building Permit.

Landscaping and Site Plans

21. Landscape and irrigation plans shall be submitted for review and approval by the Director of Community Development prior to the issuance of a Building Permit. Landscaping and irrigation shall be installed prior to occupancy. The Landscape Plan shall include the following elements:
 - a. A tree protection plan shall be submitted for any existing trees on the site or adjacent right-of-way. Where possible, trees shall be protected and saved. Provide an inventory and valuation of any trees proposed to be removed prior to issuance of building permits.
 - b. Any protected trees, (as defined in SMC Section 19.94) approved for removal, shall be replaced with a specimen tree as approved by the Director of Community Development.
 - c. Landscaping shall be designed with efficient irrigation to reduce runoff, promote surface infiltration, and minimize the use of fertilizers and pesticides that can contribute to water pollution.
 - d. Where feasible, landscaping shall be designed and operated to treat stormwater runoff by incorporating elements that collect, detain, and infiltrate runoff. In areas that provide detention of water, plants that are tolerant of saturated soil conditions and prolonged exposure to water shall be specified.
 - e. Pest-resistant landscaping plants shall be considered for use throughout the landscaped area, especially along any hardscaped area.

- f. Existing native trees, shrubs, and ground cover shall be retained and incorporated into the landscape plan to the maximum extent possible.
 - g. Ground cover shall be planted so as to ensure full coverage eighteen months after installation.
 - h. All areas not required for parking, driveways or structures shall be landscaped.
22. Fencing design and colors shall be approved by the Director of Community Development prior to issuance of the building permit. Wherever the grade differential is one foot or higher, a concrete or masonry retaining wall shall be installed.
23. Submit details and specifications of all exterior lighting to be used on each house or in the front yards for review and approval by the Director of Community Development. Lighting plan should include:
- a. Sodium vapor (of illumination with an equivalent energy savings).
 - b. Pole heights to be uniform and compatible with the areas, including the adjacent residential areas. Light standards shall be of pedestrian scale and not be greater than 8 feet in height on the periphery of the project.
 - c. Provide photocells for on/off control of all security and area lights.
 - d. Lights shall have shields to prevent glare onto adjacent residential properties.
24. Submit a decorative paving plan for the driveways and the interior street, indicating details of materials, patterns, and colors for review and approval by the Director of Community Development

Parking/Access

25. An easement for emergency access shall be granted to the city over the entire area of the interior street.
26. Garages shall be maintained at all times to allow for the parking of two automobiles.
27. Property owners shall maintain the garage spaces for the parking of vehicles and recreational vehicles over 18 feet in length are prohibited from being stored on site.
28. All uncovered parking spaces shall be labeled "Guest Parking" as approved by the Director of Community Development.
29. All curbs along the private street and driveway be designated as "no parking" and marked as a red curb.
30. Unenclosed storage of any vehicle longer than 18 feet intended for recreation purposes shall be prohibited on the premises.
31. All recycling and solid waste shall be confined to approved receptacles and enclosures. Submit a detailed recycling and solid waste disposal plan to the Director of Community Development for review and approval.

Conditions of Approval - Tentative Map

A. Planning Division

32. The Tentative Map shall be valid for a period of two years, measured from the date of approval by the final review authority.
33. The Tentative Map shall be applicable only in conjunction with a valid Special Development Permit.
34. Building Permits for the lot or lots within a recorded Final Map may be issued only in accordance with a valid Special Development Permit.
35. Any proposed Deeds, Covenants, restrictions and By-Laws relating to the subdivision shall be submitted for review and approval by the Director of Community Development and the City Attorney.
36. At the expense of the subdivider, City forces shall install such street trees as may be required by the Public Works Department.
37. Prior to final approval of the Final Map by the Director of Public Works, the "In-Lieu Park Dedication Fee" of \$6,738.19 per new unit (3 total) shall be paid in accordance with MCS 18.10.

C. Building Safety Division

38. Obtain Grading Permits as required (MCS 16.12.010).
39. Provide soils report prepared by a licensed soils laboratory (Res. 193-76).
40. Seal and cap all septic tanks and irrigation systems in accordance with Building Safety regulations.

D. Public Works

41. The tentative map approval is subject to and contingent upon a Lot Line Adjustment application to be approved by the Public Works Department and to be recorded prior to Tract Map approval.
42. This project is subject to, and contingent upon, the recordation of a Tract Map. Said Tract Map shall have adequate reservations of public and/or private utility, ingress/egress easements and/or abandonment of existing easements to the satisfaction of the Public Works Director. Tract Map shall be recorded prior to any permit issuance.
43. This project is required to have a 2' dedication for public street and utility purpose.
44. The developer shall execute a Subdivision Agreement and post surety bond(s) in a form acceptable to the City and/or cash deposit(s), guaranteeing completion for all proposed public improvements, prior to Map recordation.
45. The developer shall pay all Public Works development fees associated with the project, including but not limited to, utility frontage and/or connection fees and off-site improvement plan check and inspection fees, prior to any permit issuance.

46. The interior private access road and the parking area shall be designated as a letter lot on the Tract Map.
47. This project requires dedication of private access road as emergency vehicle ingress-egress easement.
48. Sanitary sewer lines on private access road serving 2 dwelling units or more shall be designated as public sewer system and be maintained by the City with appropriate easement dedicated to the City on the Tract Map.
49. All utility companies (for non-City owned utilities) shall be contacted to establish appropriate easements to provide services to each dwelling unit.
50. The developer is required to pay for all changes or modifications to existing city utilities, streets and other public utilities within or adjacent to the project site caused by the development.
51. Existing and proposed overhead utility lines (electrical, telephone and cable TV) on each lot and along street frontage shall be placed underground prior to occupancy.
52. The developer shall have provisions in the "Conditions, Covenants, and Restrictions (CC&R's)" for the perpetual maintenance of the landscaping, private access road, common lot, private easements, private utilities, etc. to the satisfaction of the City. Said covenant shall also prohibit homeowners from modifying drainage facilities and/or flow patterns of their lots without first obtaining permission from the City. CC&R's shall be recorded concurrently with the Tract Map.
53. This project is required to coordinate with SBC regarding existing manholes at the proposed driveway approach.
54. This project is subject to Stormwater Pollution Prevention's Best Management Practices (BMPs).
55. The submittal, approval, and recordation of a subdivision map shall be in accordance with the provisions of the State Subdivision Map Act and the City's subdivision ordinance (Title 18).
56. Install all public improvements (curb & gutter, sidewalks, driveway approaches, curb ramps, street pavements, utility extensions and connections, meters/vaults, trees and landscaping, traffic control signs, striping, street lights, etc.) prior to occupancy as required by the Director of Public Works.
57. All public improvements shall be per City standards unless otherwise approved by the Director of Public Works.
58. All public improvement plans shall be submitted to and be approved by the Department of Public Works.
59. Any existing deficient public improvements, including but not limited to the realignment of the curb and gutter and sidewalk at the knuckle of Polk Ave., shall be upgraded to the satisfaction of the Director of Public Works.

60. Unused driveway approaches shall be replaced with standard curb, gutters and sidewalk.
61. This project requires connection to all City utilities or private utilities operating under a City franchise which provide adequate levels of service.
62. The developer/owner is responsible for research on private utility lines (PG & E, telephone, cable, irrigation, etc.) to ensure there are no conflicts with the project.
63. All existing utility lines and/or their appurtenances not serving the project and/or have conflicts with the project, shall be capped, abandoned, removed, relocated and/or disposed to the satisfaction of the City.
64. All utility plans (PG & E, telephone, cable TV, fiber optic, etc.) shall be submitted to the Public Works Department for review and approval prior to the issuance of any permits for utility work within public right-of-way or public utility easements.
65. All proposed drainage system on private access road shall be privately owned and maintained unless otherwise approved by the City as public system(s). The fire and domestic water systems shall be privately owned and maintained beyond the meter.
66. Provide the Public Works Department with a detailed estimate of water consumption in gallons per day and peak water demand in gallons per minute, and estimate of sanitary sewer generation in gallons per day.
67. All lots shall be served by utilities, allowing each lot to function separately from one another.
68. Individual water services and meters shall be provided to each lot.
69. All City utilities shall be installed outside any driveway approaches.
70. A hydrology/hydraulics analysis is required during the plan check process and the stormwater discharged into the City system shall be to the satisfaction of the Public Works Director prior to issuance of any permits.
71. Each lot shall drain to the street or other approved drainage facility. Cross lot drainage shall be minimized.
72. Adequate drainage/erosion control shall be provided at all times during the construction.
73. Any landscaping proposed within a public utility easement is subject to approval by the Director of Public Works and Director of Community Development.
74. All landscape and irrigation systems, located in the park strip areas shall be connected to the water system metered to the property owner.
75. An "Occupancy Permit" shall be required for all private facilities (such as signs, walls, lighting, landscaping, curbs, parking facilities, etc.) located within the public right-of-way, to the satisfaction of the Director of Public Works and the Director of Community Development.

- 76. Obtain an encroachment permit for all public improvements.
- 77. Comply with insurance requirements prior to commencing work in the public right-of-way.
- 78. Public improvement plans shall be prepared on 24"x36", 4 mil mylars and submitted as a complete package. A complete package includes street, sewer, water, drainage, off-site landscaping and any appropriate reports and back up documents. Incomplete submittals shall be rejected.
- 79. Record drawings (including street, sewer, water, storm drain and off-site landscaping plans) shall be submitted prior to occupancy release.

E. Fire Prevention

- 80. Comply with the Sunnyvale Fire Prevention Code (MC 2099-84; Title 19 of Calif. Admin. Code Sec. 1.12(I); UFC 1982 Edition).
- 81. The water supply for fire protection and fire fighting systems shall be installed and operational prior to any combustible construction on the site (MC 16.52.170).

F. Other Public Agencies

- 82. Pay School Tax fees prior to issuance of a Building Permit.